

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SEAN R. STEWART and ROBERT K.
STEWART,

Defendants.

**DECLARATION OF TAI H. PARK IN
SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

No. 15 Civ. 3719 (AT) (AJP)

ECF Case

TAI H. PARK, an attorney admitted to practice before this Court, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1740, that the following is true and correct:

1. I am a member of Park Jensen Bennett LLP (“Park Jensen Bennett”), attorneys for defendant Sean Stewart (“Mr. Stewart”) in this action, and respectfully submit this declaration in support of my firm’s motion to be relieved as counsel to Mr. Stewart. I have personal knowledge of, and am fully familiar with, the facts and circumstances set forth herein by virtue of my representation of Mr. Stewart in this action.

2. As indicated in the motion I filed on January 13, 2016 in the parallel criminal prosecution of Mr. Stewart and his father Robert, *United States v. Stewart, et ano.*, No. 15 Cr. 287 (LTS) (the “Criminal Action”), Mr. Stewart has effectively depleted his life’s savings in defending these proceedings against him and is now without the financial means to pay for retained counsel.

3. My firm’s substantial bills from September through the present remain unpaid and there is no prospect that they will be paid in the foreseeable future. There is no workable plan

for Mr. Stewart to pay what he already owes, let alone what costs will be incurred if retained counsel continues to represent him.

4. Owing to the foregoing, Judge Swain granted Park Jensen Bennett's motion to withdraw from the Criminal Action on January 22, 2016.

5. Having discussed this issue extensively with Mr. Stewart, I am left with no choice but to seek the Court's leave for Park Jensen Bennett to withdraw entirely as counsel in this matter as well.

6. Mr. Stewart does not object to the firm's withdrawal and seeks to proceed *pro se* for the time being.

7. Given that this case is stayed in part pending the resolution of the criminal charges against Mr. Stewart, no meaningful prejudice will arise to any other party as a result of Park Jensen Bennett's withdrawal.

8. I have provided Mr. Stewart with the requisite forms necessary for him to apply to proceed *in forma pauperis* and to seek appointment of counsel as an indigent defendant.

9. Document discovery has been exchanged in this matter and the SEC has issued third-party subpoenas to which it is still receiving responses.

10. Owing to the exigent circumstances presented by this case, Park Jensen Bennett will not assert a retaining lien against Mr. Stewart's file. The firm reserves all rights, however, to seek compensation for its outstanding invoices if and when it is relieved as counsel to Mr. Stewart.

Dated: New York, New York
March 8, 2016

A handwritten signature in black ink, appearing to read 'Tai H. Park', written in a cursive style.

Tai H. Park

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of March, 2016, I caused a true and correct copy of the foregoing Declaration of Tai H. Park in Support of Motion to Withdraw as Counsel to be served upon the following via email and first class mail, postage prepaid:

Sean R. Stewart
61 East 77th Street, Apt. 6A
New York, NY 10075
(Defendant)

The following recipients will receive the above-referenced document via ECF:

David W. Snyder
Catherine E. Pappas
United States Securities and Exchange Commission
Philadelphia Regional Office
One Penn Center
1617 JFK Boulevard, Suite 520
Philadelphia, PA 19103
(Counsel for Plaintiff U.S. Securities & Exchange Commission)

Seth L. Levine
Jillian B. Berman
Levine Lee LLP
666 Fifth Avenue
New York, NY 10103
(Counsel for Defendant Robert K. Stewart)



Tai H. Park